

Remarks

Double Patenting:

Claims 13, 16-17, and 22-24 have been rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 11-13 and 18-21 of U.S. Patent 7,098,032. Applicants have amended the claim to obviate the rejection. Specifically, Applicants have amended claim 13 to incorporate the limitations of claims 18. In light of the Amendment, Applicants request reconsideration of the double patenting rejection.

Objections to the Claims:

The claims have been objected to because the numbering of claims is not in accordance with 37 CFR 1.126; there are two claims numbered as #28. Appropriate correction has been made. The second claim numbered as #28 has been renumbered as #29. Original claim numbered as #29 has been renumbered as #30.

Claim 18 has been objected to because “a amphiphilic” should be “an amphiphilic”. Claim 18 has been canceled.

Claim 20 has been objected to because “a anionic” should be “an anionic”. Appropriate correction has been made.

Claim 21 has been objected to because “a amphiphilic” should be “an amphiphilic”. Claim 21 has been canceled.

Rejection of the claims under 35 USC §102:

Claims 13-22 and 25-30 have been rejected under 35 U.S.C. 102(e) as being anticipated by Meier et al (U.S. Patent 6,616,946). Applicants have amended the claims to obviate the rejection. Specifically, claim 13 has been amended to recite a membrane active polyvinyl ether. Support for the amendment can be found in the specification on page 4 lines 5-7, page 7 lines 30-34, and page 9 lines 12-23. In light of the amendment, Applicants request reconsideration of this §102 rejection.

Appl. No. **10/772,502**
Amdt. dated **02/26/2007**
Reply to Office action of **12/18/2006**

Rejection of the claims under 35 USC §103:

Claims 23-24 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Meier et al (U.S. Patent 6,616,946) in view of Merdan et al. (Adv Drug Deliv Rev 2002). It is the Applicants' opinion that the amendment made in response to the 102(e) rejection over Meier et al. is sufficient to obviate the 103 rejection. Applicants request reconsideration of this §103 rejection.

The Examiner's objections and rejections are now believed to be overcome by this response to the Office Action. In view of Applicants' amendment and arguments, it is submitted that claims 13-30 should be allowable.

Respectfully submitted,

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I hereby certify that this correspondence is being
transmitted to the USPTO on this date: 02/26/2007.

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